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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,512	09/20/2005	Siegfried Nyssen	PMP-0001	1902
23599 7590 02/27/2009 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			EXAMINER MACKEY, JAMES P	
			ART UNIT 1791	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,512	<b>Applicant(s)</b> NYSSEN, SIEGFRIED	
	<b>Examiner</b> James Mackey	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 1,8 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/20/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

Applicant's election with traverse of Group II, claims 8-21, in the reply filed on 15 January 2009 is acknowledged. The traversal is on the grounds that the product claims 22-24 require all of the features of method claim 1 and are therefore not restrictable, and the apparatus of claims 8-21 is directed to the same inventive concept as method claims 1-7 and product claims 22-24. This is not found persuasive because the product claims, while written in product-by-process format (see MPEP § 2113), are directed to a different inventive concept than the process or apparatus claims, since the product of claims 22-24 is required to have a skin surface of different color or graining in a partial area, and is required to have at least one less layer in this partial area as compared with the number of layers outside this partial area; neither the process as claimed nor the apparatus as claimed is required to produce a plural-layer product having at least one less layer in a partial area as compared with the number of layers outside this partial area as well as different color or graining in this partial area, and therefore the product claims are directed to a different inventive concept as compared with the process and apparatus claims and are therefore properly restricted. Applicant's arguments regarding the propriety of restricting the process claims from the apparatus claims are persuasive; **process claims 1-7 have been examined along with apparatus claims 8-21.**

The requirement is still deemed proper and is therefore made FINAL.

Claims 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or

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linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 15 January 2009.

### ***Drawings***

The drawings are objected to because **Figure 1 includes two separate figures which are not separately labelled**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because of the inclusion of the legal phraseology "said" on line 6. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: the specification should not refer to the claims by number (note page one, lines 5-7; page 3, lines 19-22), since the original claim numbering may not be maintained in any allowed claims. Appropriate correction is required.

### ***Claim Objections***

Claims 1, 8 and 14 are objected to because of the following informalities: in claim 1, line 9, "having-an" should not be hyphenated; in claim 8, line 7, "a inflatable" should be corrected; and in claim 14, line 1, "herein" should be --wherein--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure does not adequately describe the sealing edge of the mask as being made of “a duroplastic elastomer”, as is claimed in claims 5 and 15. Moreover, the original disclosure does not adequately describe the mask thickness as being “between 1 mm and 6 mm” as is claimed in claim 16. **Applicant is cautioned to avoid introducing new matter in responding to this rejection.**

Claims 5 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

While the disclosure recites that the mask material is “silicon” (page 5, line 30; page 10, line 9; page 13, line 8), as set forth in claims 5 and 15, silicon is a very hard

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element (listed in the Periodic Table of Elements) which is not elastic, and therefore the disclosure does not enable one of ordinary skill in the art to produce an elastic mask (and inflatable sealing edge thereof) of elemental silicon. **Applicant is cautioned to avoid introducing new matter in responding to this rejection.**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite as to how the “first pulverization step” (line 11) relates to the steps of “applying” and “sintering” (lines 3-4). Dependent claims 2-7 are rejected due to their dependence on indefinite independent claim 1, and therefore dependent claims 2-7 incorporate the same indefiniteness as independent claim 1.

Claim 5 is indefinite as to how an inflatable sealing edge may be formed of a rigid silicon material.

In claim 6, line 3, “a surface” is indefinite as to where exactly this surface is located (e.g., on the forming tool).

In claim 14, line 2, “a surface of said forming tool” is indefinite as to how this surface relates to the forming tool surface set forth in independent claim 8 at line 3.

Claim 15 is indefinite as to how an inflatable sealing edge may be formed of a rigid silicon material.

***Allowable Subject Matter***

Claims 8-13 and 17-21 are allowed.

Claims 1-7 and 14-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph, set forth in this Office action.

The prior art of record does not teach or fairly suggest a method for producing plastic skins by powder sintering, comprising applying a powder to a forming tool and sintering the powder to form a plastic skin, wherein a partial area of the forming tool is made inaccessible to the powder by a sealing device, the forming tool has a separating web along an edge of said partial area, and the sealing device is a mask having an inflatable sealing edge which abuts against the separating web such that the mask is secured solely to the forming tool, as claimed in claim 1. The prior art of record does not teach or fairly suggest a sintering tool comprising a forming tool having a surface, and a sealing device for separating a partial area of said surface of the forming tool, wherein the forming tool has a separating web on said surface along an edge of said partial area, and the sealing device is a mask having an inflatable sealing edge, which is secured to said surface in such a way that said partial area is covered by the mask and the sealing edge abuts against the separating web, as claimed in claim 8.

While it is known in the art to utilize masks secured to the surface of forming tools to cover a partial area of the surface of the forming tool and thereby make the partial area inaccessible to the powder, the prior art of record does not teach or fairly



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suggest such a mask having an inflatable sealing edge which abuts against a separating web positioned on the forming tool along an edge of the partial area.

Moreover, while it is known in the art to utilize inflatable sealing edges on partitions or dividers of the powder box, the prior art of record does not fairly suggest providing such inflatable sealing edges on a mask for abutting against a separating web positioned on the forming tool along an edge of a partial area which is covered by the mask.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rheinlander et al. (U.S. Patent 5,863,064; Figures 11-12) disclose a silicone mask 110 (col. 12, lines 35-51) secured to a surface of a nickel forming tool which has two surface areas 60, 62 of differing textures (col. 8, lines 6-22), and alternately discloses inflatable gaskets 65 mounted to a powder box partition (col. 8, lines 23-48). Japanese Patent Document 2000-108148 discloses a silicone rubber mask having deformable locking members 42 at edges of the mask for engagement into grooves at the edges of a partial area of the surface of the forming tool. Japanese Patent Documents 63-172618, 4-235008 and 10-95250 each disclose forming tools having masks secured to a partial area of the surface of the forming tool. EP 972,625 discloses a forming tool having a mask with one side provided with a sealing edge abutting a separating web on the surface of the forming tool. Japanese Patent Document 59-159309 (Figures 11-12) discloses a forming tool having separating webs

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which define a partial area, and a partition member sealing against the separating webs. Buzzoni et al. (U.S. Patent 5,234,653), Gallagher et al. (U.S. Patent 6,280,666) and EP 339,222 each disclose an inflatable sealing member mounted to a powder box partition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Mackey/  
Primary Examiner  
Art Unit 1791

jpm  
February 25, 2009